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, Fred Burow and Bill Bronson. Also present were Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe and Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

AGENDA APPROVAL: With regard to Item 4, Deputy City Manager Anderson noted that Kevin Heffernan was appointed to the Police Commission for his first three year term on June 17, 2014, instead of 2017. No additional changes were suggested by the Deputy City Manager or City Commission. The agenda, with the noted correction to Item 4, was approved.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Michael Enk, P. O. Box 1344, commented that the Great Falls Community Ice Foundation was making an effort to conserve electricity by converting its lighting to a LED system. On behalf of Citizen's for Clean Energy, Mr. Enk presented Lexi Stober with \$500.00 towards the LED lighting fund drive for the Ice Foundation. He further reported that any extra money donated after this project was completed would be put towards the next improvement project.

Lexi Stober, 904 45th Avenue NE, secretary for Great Falls Community Ice Foundation Board of Directors, commented that they have until August 1st to accomplish the fund drive, and further reported that they were one light away from accomplishing their goal. The website for donations is www.gf-ice.org.

Robert Morris, 900 10th Street SW, expressed appreciation to Commissioner Burow and Public Works staff with regard to having a plan to fix a hazardous road.

Commissioner Burow commented that the hazardous road has been an ongoing problem, and that the Engineering Department was working on a solution.

Win Benson, 1919 8th Avenue So, expressed concern to the House Bill that was passed by the legislature with regard to the Park District Questionnaire unreturned ballots process.

Mayor Kelly responded that the City was following the state law that exists to create special districts. Mayor Kelly further pointed out that the 60 day period was put in place to discuss and

learn about the ramifications with regard to the Park District moving forward. Mayor Kelly explained that a 10% weighted vote in opposition would be placed on a ballot for the community to vote on; if more than 50% opposing votes are received the Commission would not be able to do anything for 12 months.

Assistant City Attorney Cik explained that the Montana Code Annotated (MCA) code provision that applied to the protest process was Title 7, Chapter 11, Section 1008. He further reported that the timeline process was agreed upon by staff before Senate Bill 189, and noted that HB won't go into effect until October 1, 2017. He explained that property owners would pay different assessments based on their property value. The votes would be weighted on by the cost of each property owner's actual assessment. He concluded that additional ballots were available at the Park and Recreation Department.

Commissioner Burow received clarification that citizens with multiple properties would be able to fill out a ballet for each property.

Mayor Kelly reported that the Park Master Plan survey indicated that there was a majority of citizens that were willing to invest more with regard to fixing the parks.

Spencer Galloway, 2121 5th Avenue South, announced that there would be a Fourth of July parade at 11:00 that starts on 1st Avenue South and commented that donations for the awards ceremony as well as prizes for the parade floats would be needed.

Kristi Johnson, 3120 Central Avenue, commented that volunteers are needed for the fourth of July parade. She further announced that there would be a public meeting on June 22nd in the Russell Room at the O'Haire Motor Inn at 6:30 for organizing for the parade and a meeting on June 29th. She further reported that the C130 would be available for a fly over.

Jeni Dodd, 3245 8th Avenue No, requested clarification with regard to the weighted vote for home owner's value of property. She further expressed concern with regard to the 10% opposition being put on the ballot. She inquired about lost or discarded ballots.

Assistant City Attorney Cik responded that the City is following state law and reported that extra ballots would be available at the Park and Recreation Department.

Aart Dolman, 3016 Central Avenue, secretary for the Missouri River Citizens, Inc. provided and discussed a handout that requested that the Commission adopt a resolution to be sent to Mr. Ryan Zinke requesting that the Missouri River Monument remain "as is".

Richard Liebert, 289 Boston Coulee Road, discussed that clean energy conservation was good for energy efficiency. He further expressed concern with regard to the West Bank erosion.

With regard to the West Bank erosion, Public Works Director Jim Rearden responded that there would be a meeting on June 29th and that the intent would be to submit a grant application in August.

Stuart Lewin, 615 3rd Avenue North, commended the *Great Falls Tribune* with regard to an article that supported several issues that were important to the Missouri River Citizens, Inc. Mr. Lewin further expressed support with regard to adopting a resolution to be sent to Mr. Ryan Zinke requesting that the Missouri River Monument remain "as is".

Ron Gessaman, 1006 36th Avenue NE, inquired about the burnt out building on the West Bank. Mayor Kelly responded that issue would be looked into.

John Hubbard, 615 7th Avenue South, expressed opposition with regard to tax increases.

Robert Morris, 900 10th Street SW, announced that there would be a stand down for Vets for Vets on September 28th and 29th at 10:00 am at the Fairgrounds. Mr. Morris thanked the Commission and City staff with regard to their support of the Grace Home Veterans Center.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

Kathy Gessaman, NC 3, thanked the City and United Materials with regard to doing a great job on 36th Avenue NE, and noted that water facility would be working shortly.

BOARDS AND COMMISSIONS

3. Reappointment, Tourism Business Improvement District.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission reappoint Malissa Hollan to the Tourism Business Improvement District Board of Trustees for a four-year term through June 30, 2021.

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. Reappointment, Police Commission.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission reappoint Kevin Heffernan to the Police Commission for a three-year term through June 30, 2020.

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.

5. Appointment, Great Falls Planning Advisory Board.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission appoint Charles E. Pankratz to the remainder of a three-year term ending on December 31, 2019, to the Great Falls Planning Advisory Board.

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

Planning and Community Development Director Raymond reported that there were other openings available for the Planning Advisory Board as well as the Parking Advisory Commission.

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

Motion carried 5-0.

6. Miscellaneous reports and announcements from Boards and Commissions.

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

Mayor Kelly received clarification with regard to the obligation of having a Parking Advisory Board. Commissioner Houck commented that citizens would need to be a resident of the City in order to become a member of the Parking Advisory Board.

CITY MANAGER

7. <u>Miscellaneous reports and announcements from the City Manager.</u>

Deputy City Manager Chuck Anderson announced that the City Manager was in Washington DC at a conference and that he would also be attending a Montana Municipal Interlocal Authority (MMIA) meeting on Friday.

Deputy City Manager Anderson reported that on June 6th there was an oil spill by West Bank Park that came from Calumet. West Bank Park Trail was closed temporarily as a precautionary measure. Calumet was notified and started a cleanup of the spill. The Montana Department of Environmental Quality (DEQ) responded and endorsed the precautionary actions that were taken by the City and Calumet. The City conducted a closed circuit TV review of a storm drain and confirmed that the pipe thought to have been the origin of the oil seepage was intact. Calumet completed the cleaning of a storm drain between a release and outlet, and was intercepting the product in a temporary recovery trench located at the waste water treatment plant.

Deputy City Manager Anderson further reported that applications were received for the Park and Recreation Director and noted that final interviews would be conducted the week of July 10th.

Deputy City Manager Anderson reported that a consumer research website has notified the City that Great Falls had been ranked as a primary in the United States for first responder's to live and work in their third annual best cities for first responders report. He announced that a press release was received and that the City would be coordinating with the *Great Falls Tribune* as well as the local television stations.

Mayor Kelly received clarification that Calumet has a Public Information Officer (PIO) that released information regarding the oil spill.

CONSENT AGENDA

- **8.** Minutes, June 6, 2017, Commission Meeting.
- **9.** Total Expenditures of \$2,786,868 for the period of May 16, 2017, through June 7, 2017, to include claims over \$5,000, in the amount of \$2,514,916.
- **10.** Contracts list.
- 11. Approve Final Payment in the amount of \$25,112.13 to United Materials of Great Falls, Inc. and \$253.66 to the State Miscellaneous Tax Fund for the Downtown Streetscape Expansion project, and authorize the City Manager to make the payments. **OF 1508.3**
- 12. Reject a contract for the Beech Drive and Cherry Drive Water Main Replacement **OF 1718.**
- Award a contract in the amount of \$198,310.00 to David Kuglin Construction for the 3rd Avenue South (46th St. S. to 57th St. S.) Handicap Ramps Phase II, and authorize the City Manager to execute the construction contract documents. **OF 1697.2**
- 14. Award a contract in the amount of \$277,961.00 to Ed Boland Construction for the Gore Hill Water Tower Water Main Extension, and authorize the City Manager to execute the construction contract documents. **OF 1625.2**
- 15. Approve the bid award for 250 tons of liquid asphalt to Calumet Montana Refining Company of Great Falls for \$91,250.

Commissioner Jones moved, seconded by Commissioners Bronson and Burow, that the City Commission approve the Consent Agenda as presented with the exception of Item 12 for a separate discussion and vote.

Motion carried 5-0.

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

With regard to Item 12, Commissioner Jones commented that his son was one of the project managers for one of the companies that submitted a bid.

With regard to Item 12, Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission reject a contract for the Beech Drive and Cherry Drive Water Main Replacement, OF 1718.

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

Commissioner Burow explained that Item 12 was rejected because one bid was too low and the other was too high.

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

Motion carried 4-0-1. (Commissioner Jones abstaining)

PUBLIC HEARINGS

16. Lease of the Visitor Center located at 15 Overlook Drive.

Deputy City Manager Chuck Anderson reported that the Visitor Center was built in 1993 and that it was originally operated in partnership with the Great Falls Area Chamber of Commerce (Chamber) and further reported that for 11 years, the City and Chamber shared the costs of the Visitor Center. The Chamber's contract expired on September 1, 2004. In 2005 the Park and Recreation Department continued operating the Visitor Center. In 2014, the Convention and Visitors Bureau (CVB), Tourism Business Improvement District (TBID), and Great Falls Development Authority (GFDA) began operating the Visitor Center. The CVB decided to relocate the Visitor Center operations from Overlook Drive to the downtown tourism office beginning October 1st. Deputy City Manager Anderson further reported that the lease expires on June 30, 2017, and explained that the CVB would be seeking a month to month lease until relocating.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to a lease of the Visitor Center.

Speaking in support of the lease of the Visitor Center was:

Richard Liebert, 289 Boston Coulee Road, received clarification with regard to the potential uses for the property.

Mayor Kelly commented the Commission recognized the value of the building, as well as the location.

Rebecca Engum, 100 1st Avenue North, Great Falls Tourism Business Improvement District (TBID), expressed support with regard to the approval of the lease of the Visitor Center and commented that approval would allow the TBID the opportunity to relocate the assets.

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 Burow, that the City Commission approve a month to month lease of city-owned property, the Visitor Center (15 Overlook Drive), to the Convention and Visitors Bureau (CVB).

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

Commissioner Houck commented that the Visitor Center was not being closed and noted that efforts were being redirected in order to meet the needs of the visitors.

Mayor Kelly commended the TBID with regard to taking care of the Visitor Center. Mayor Kelly further commented that statistics were available that indicated the number of people who visited the City.

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

Motion carried 5-0.

Commissioner Bronson stepped out at 8:06 pm and returned at 8:08 pm.

Commissioner Houck stepped out at 8:08 pm and returned at 8:13 pm.

17. Ordinance 3160, An Ordinance Repealing and Replacing Title 6, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Animals.

Assistant City Attorney Joe Cik reported that some of the changes included formatting and numbering, as well as a larger detailed definition section. Assistant City Attorney Cik further reported that the final code revisions had been concurred by the Police Department, Planning and Community Development, members of the City Commission, Prosecutors Office, Animal Shelter, City-County Health Department, and the City Manager. He thanked City Staff with regard to their efforts that were put into the code revisions. Assistant City Attorney Cik further expressed appreciation to members of the community for their opinions and the Bee Keepers Association for its presentation.

Mayor Kelly reported that written correspondence in support of and opposition to Ordinance 3160, were received and reviewed by the Commission. Mayor Kelly pointed out that the code that referred to chickens was not being changed and chickens would be addressed separately.

Mayor Kelly declared the public hearing open.

Written correspondence in opposition to Ordinance 3160 was received from Don Shores, address unknown.

Speaking in opposition to Ordinance 3160 were:

Betty Ammondson, 1400 1st Street South, expressed opposition to chickens being allowed in the City. She further expressed concern regarding enforcing the law against citizens that have chickens in the City now.

Kathy Gessaman, 1006 36th Avenue NE, expressed opposition with regard to chickens being labeled as livestock.

Anitra Hall, 3508 14th Avenue South, expressed opposition with regard to chickens being considered as livestock and not as pets.

Laura Hodges, 2204 3rd Avenue North, opined that chickens were quiet at night.

Richard Liebert, 289 Boston Coulee Road, commended City staff for their effort with regard to the changes in the code relating to bees.

Kori Williams, address not provided, inquired about whether a stipulation on the approval of Ordinance 3160 would be an option with regard to chickens.

Assistant City Attorney Cik responded that a stipulation would have to be considered after the Commission votes on Ordinance 3160.

Cheryl Reichert, 51 Prospect Drive, discussed benefits of allowing backyard hens she believed would have for the City.

Charles Bocock, 51 Prospect Drive, commented that allowing chickens in other cities has not created a problem.

Speaking in favor of Ordinance 3160 were:

Brian Rogers, 3529 Fern Drive, commented that a compromise was found at the meeting regarding the portion on Ordinance 3160 relating to bees.

Roxanne Oches, 1507 3rd West Hill Drive, commended the City Attorneys for their work with regard to the portion of Ordinance 3160 relating to bees.

Jeni Dodd, 3245 8th Avenue No, expressed support with regard to the dangerous dog provisions; however, she expressed concern with regard to the enforcement of the proposed changes.

Ashley Wilkinson, 3910 Wilkinson Lane, Vice- President of the Electric City Pittie Committee, expressed support of the changes that were made; however, she expressed concern with regard to dangerous dog definitions.

Erin Kolczak, 1612 2nd Avenue South, President of the Electric City Pittie Committee, expressed appreciation to everyone involved with the Ordinance changes. She further commented that the changes would allow Animal Control Officers to enforce Ordinances that already exist.

Candace Beery, 21 16th Avenue South, expressed appreciation with regard to the changes relating to bees.

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

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3160.

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

Commissioner Bronson commented that the previous animal Ordinance was inconsistent and needed to be addressed. Commissioner Bronson reported that the current Ordinance was not in compliance with state law with regard to handling rabies problems. The purpose of doing the amendment was to have the broadest possible impact dealing with animals. Referring to provisions of the ordinance pertaining to chickens, Commissioner Bronson explained that some subdivisions have covenants that prohibit individuals from maintaining livestock. Commissioner Bronson expressed appreciation to City staff, as well as the Animal Shelter and Animal Control Officers with regard to the work that was put into Ordinance 3160. He suggested passing Ordinance 3160 as is and commented that the other issues would be addressed over time.

Commissioner Houck inquired if a stipulation could be added at this point to Ordinance 3160.

Assistant City Attorney Cik responded that would not be a recommendation since it would require an immediate amendment.

Commissioner Houck expressed support with regard to adding urban chickens to an agenda.

Commissioner Jones commented that the discussion with regard to urban chickens requires more consideration and further expressed support with regard to moving forward with the other codes and policies.

Commissioner Burow concurred with Commissioner Jones. He disagreed with adding urban chickens to an agenda.

Mayor Kelly inquired about adding the urban chicken issue to the election ballot in November. City Attorney Sexe responded that during the Commission Initiatives portion of the agenda, a request could be made of staff to develop something that would move it forward.

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

Motion carried 5-0.

OLD BUSINESS

18. <u>2017/2018 Community Development Block Grant Program (CDBG) for inclusion in</u> the 2017/2018 Annual Action Plan.

City Attorney Sara Sexe reported that on June 6th two City Commission members voted to affirm the proposed Public Facilities Projects for the 2017/2018 Community Development Block Grant Program (CDBG). She further reported that Commissioner Burow voted no, Commissioner Houck abstained and Commissioner Bronson was excused from the meeting. City Attorney Sexe explained that under the applicable law the adoption of the Annual Action Plan and affirmation of the Public Services, Affordable Housing Projects and the Economic Development Project were properly affirmed by three members of the Commission. Prior to the vote regarding the affirmation of the proposed Public Facilities Projects, the City Attorney was inquired as to whether all three voting Commissioners would need to vote in the affirmative on that motion and incorrectly informed the Commission that only a simple majority of the votes cast was needed to be affirmative, based on rules of parliamentary procedure.

City Attorney Sexe further reported that Resolution 7058 requires a vote of three or more members of the Commission, which is consistent with Montana Code Annotated (MCA) 7-3-4323. A decision was made to correct the voting and seek a re-vote on the item with a full Commission present. She concluded that if it was not corrected, the process by which the CDBG funds were allocated would not be legally supported and further reported that the Public Facility Improvements allocations that were previously considered by the Commission would not be awarded by HUD unless another vote was conducted by the full Commission.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission rescind the affirmation of the proposed Public Facilities Projects for the 2017/2018 Community Development Block Grant Program (CDBG) for the inclusion in the 2017/2018 Annual Action Plan, for the purpose of a re-vote on the matter.

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

Commissioner Burow commented that Item 18 had already been voted on and that the vote should stand.

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

Motion carried 3-1-0 (Commissioner Burow dissenting and Commissioner Houck abstaining).

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission affirm the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan.

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

Commissioner Bronson reported that his son is a part-time employee at Paris Gibson Square Museum. He explained that his son's pay comes from general operating revenues and not from any CDBG allocations.

City Attorney Sexe reported that written correspondence stating that Commissioner Bronson does not receive any direct or indirect financial benefit from approval of the request had been submitted to the Department of Housing and Urban Development. City Attorney Sexe further explained that a representative from the Department of Housing and Urban Development had reported that there was not a conflict of interest.

Commissioner Burow expressed concern with regard to there being a conflict of interest as well as an ethical issue.

Mayor asked if there were any comments from the public.

Jeni Dodd, 3245 8th Avenue North, referred to the HUD guidelines and opined that there was a conflict of interest.

Neil Fortier, 509 1st Avenue South, commented that the allocations were different in the second meeting was because the makeup of the Community Development Council (CDC) Commission was different.

Robert Haffner, 1916 Mountain View Drive, received clarification that a quorum was present at the start of the CDC meeting, but not for the remainder of the meeting.

Mayor Kelly commented that the Commission did not express any undue influence on the CDC decision making process with regard to the Public Facilities Projects.

Neil Fortier, 509 1st Avenue South, commented that the CDC convened because of a procedural issue.

City Attorney Sexe reported that the CDC was notified that there were two procedural items that required them to reconvene. She further explained that the individuals that came to present on behalf of the applicants were advised to not stray from their presentations with regard to the request for funding.

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

Motion carried 3-1-0 (Commissioner Burow dissenting and Commissioner Houck abstaining).

NEW BUSINESS

ORDINANCES/RESOLUTIONS

19. Ordinance 3162, An Ordinance of the City Commission of the City of Great Falls providing that the Charter of the City of Great Falls be amended to cure typographical errors and legal inconsistencies and submitting the proposed amendment to the Electors of the City as provided by law.

City Attorney Sara Sexe reported that there were inconsistencies to the obligations and administering the affairs of the City that relate to City Employees. She further reported that there were typographical errors that would need to be corrected so that there is clarity in the charter, as well as addressing issues with regard to any vacancies in the City Commission. She explained that amending the charter would also provide the City with a Municipal Court instead of a City Court. With regard to Neighborhood Councils, the proposed Charter language would allow for the time necessary to have the members properly placed in their positions.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3162 on first reading and set the public hearing for July 5, 2017.

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

Commissioner Bronson inquired if presenting a proposed change to the City Charter to the voters would be one package or split up by particular provisions of the Charter. City Attorney Sexe responded that the single subject rule would be looked into.

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

Richard Liebert, 289 Boston Coulee Road, expressed support with regard to adding a potential referendum to the ballot in November.

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

Motion carried 5-0.

CITY COMMISSION

20. Miscellaneous reports and announcements from the City Commission.

Commissioner Bronson reported that he and other representatives from other cities had attended a Tax Increment Financing (TIF) meeting. He further reported that the goal would be to shadow the work of the Montana Legislatures Interim Committee on revenue and transportation.

Commissioner Burow inquired on the status of reopening the runway at Malmstrom Airforce Base.

Mayor Kelly responded that the current runway is not reopened and explained that there is work being done on the drop zone.

Commissioner Jones commented that Malmstrom Air Force Base is looking into a regional C130 training area for the City.

Commissioner Houck commented that at a previous work session, Col. Smith had discussed the Fort Benton drop and the Malmstrom drop, as well as the future plans for the training site.

Mayor Kelly announced that firework inserts were placed inside the utility bills and that the next Commission meeting would be on July 5th.

21. <u>Legislative Initiatives.</u>

There were no legislative initiatives.

22. Commission Initiatives.

Mayor Kelly expressed his support for a question to be presented on the November 7, 2017, municipal election ballot for the residents of Great Falls to decide if City policy should be changed to allow chickens to be maintained in the City limits. Commissioner Houck voiced support of the proposition. Commissioners Bronson and Burow commented they would first consider the proposed language of any initiative before deciding whether to ultimately endorse it. City staff was directed to prepare a Resolution for consideration by the Commission to begin that process.

ADJOURNMENT

There being no further business to come before the Commission, Mayor Kelly moved, seconded by Commissioner Houck, to adjourn the regular meeting of June 20, 2017, at 9:43 p.m.

Motion carried 5-0.	
	Mayor Bob Kelly
	Deputy City Clerk Darcy Dea

Minutes Approved: July 5, 2017